

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012 ("the Act")

AND
IN THE MATTER

of an application from Mahul Enterprises Limited pursuant to s100 of the Act for a new Off-Licence in respect of the premises situated at 84 Oxford Street, Levin, trading as Super Save Levin.

Decision: 220/2025

BEFORE THE HOROWHENUA DISTRICT LICENSING COMMITTEE

Commissioner: Ross Brannigan
Members: Mr Mike Lepper
Mr Martyn Slade

HEARING at Levin on 31 March 2026.

APPEARANCES

- (a) Mr Jatinkumar Nanubahi Patel – Applicant
- (b) Ms Maddy Brownlee, Duncan Cotterill – Applicant Legal Counsel
- (c) Ms Zoe Nathan, Duncan Cotterill – Applicant Legal Counsel
- (d) Ms Sarah Thompson, Innovative Hospitality – for the Applicant
- (e) Senior Constable Scott Harvey - Alcohol Harm Prevention Officer, NZ Police
- (f) Ms Toni Patterson – Senior Prevention Partnerships Advisor, NZ Police
- (g) Ms Michelle Rogerson, Levin Uniting Church – NZ Police Witness
- (h) Ms Janelle Hing, Whaiora Trust – NZ Police Witness
- (i) Ms Ani Ika, Salvation Army – NZ Police Witness
- (j) Ms Jill Job – Public Health
- (k) Ms Hayley Smith – Alcohol Licensing Inspector

RESERVED DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction

1. In an application received by the Horowhenua District Licensing Committee on 26 August 2025, Mahul Enterprises Limited applied for a new Off-Licence in respect of the premises situated at 84 Oxford Street Levin and trading as Super Save Levin.
2. The application sought authority to sell alcohol for consumption off the premises between the hours of 7.00am and 9.00pm, seven days a week.
3. The application was duly advertised on Council's website and at the premises itself in accordance with the requirements of the Act. No public objections were received.
4. In accordance with section 103 of the Act, the application was referred to New Zealand Police, the Medical Officer of Health, and the Alcohol Licensing Inspector to inquire into the application. All three reporting agencies opposed the application.

5. The applicant company, Mahul Enterprises Limited, was incorporated on 4 June 2020. The directors of the company are Jatinkumar Nanubhai Patel and Reshmabai Ganpatbhai Patel.
6. The premises operates as a grocery store and the applicant submitted that the business meets the definition of a grocery store as prescribed by section 31 of the Sale and Supply of Alcohol Act 2012.

Background

7. Super Save Levin is a grocery store located on Oxford Street Levin, within the Levin town centre area. The premises currently operates as an unlicensed grocery retail business, selling a range of grocery and convenience items to the public.
8. The applicant proposed that alcohol sales would occur from a segregated alcohol area within the premises, supported by CCTV monitoring, point-of-sale controls, and staff training systems intended to promote the safe and responsible sale and supply of alcohol.

Reporting Agencies

9. Reports were received from all three reporting agencies, with all three agencies submitting matters in opposition. Their evidence is detailed below.

Evidence

Evidence - Applicant

10. The applicant gave evidence regarding the operation of Super Save Levin as a grocery business and the proposed sale of alcohol as part of a broader retail offering.
11. The applicant submitted that the premises met the statutory definition of a grocery store under section 31 of the Act and that alcohol sales would be ancillary to the principal grocery business rather than operating as a stand-alone bottle store. Counsel submitted that the application fell within the parameters of the Horowhenua Local Alcohol Policy, including the permitted trading hours.
12. Evidence was presented regarding the proposed operation of the premises, including a segregated alcohol area, CCTV monitoring, point-of-sale controls, signage, staff training, and an Alcohol Management Plan intended to support the responsible sale and supply of alcohol. The proposed alcohol area was described as a separate enclosed area within the premises, distinct from the principal grocery retail area.
13. The applicant clarified a number of operational matters during the hearing and through supplementary evidence, including that remote alcohol deliveries would not occur. Mr Patel submitted that security measures had been identified as a contingency measure that would be considered if operationally required.
14. Mr Patel gave evidence that the business did not intend to compete with bottle stores or supermarkets on price, and did not propose to focus on low-cost or high-volume alcohol sales.

15. The applicant also outlined previous experience working within a supermarket environment, including previous duty manager responsibilities, and provided evidence regarding the operation of the existing grocery business and compliance with food safety requirements.
16. The applicant submitted that concerns regarding suitability and experience had been overstated, noting Mr Patel's previous supermarket and duty manager experience and evidence from the Alcohol Licensing Inspector that he demonstrated a strong understanding of the Act and the responsibilities associated with alcohol management.
17. Evidence was also presented regarding community engagement undertaken by the applicant prior to and during the application process, including contact with local organisations and neighbouring businesses. Mr Patel gave evidence that he personally delivered letters to nearby organisations outlining the proposal.
18. The applicant further submitted that while concerns had been raised regarding community consultation, there was no statutory obligation requiring endorsement from neighbouring organisations or prescribed consultation requirements beyond the public notification process. Counsel submitted that any perceived shortcomings in consultation should not reflect adversely on the applicant.
19. Mr Patel acknowledged the presence of nearby community organisations and sensitive sites and gave evidence regarding the systems and controls proposed to support the safe and responsible sale and supply of alcohol.
20. The applicant submitted that proposed controls, including a segregated alcohol area as well as a willingness to accept additional licence conditions, would adequately address concerns relating to exposure, amenity, and good order. Counsel submitted that there was limited evidence establishing a direct causal link between the proposed licence and adverse outcomes such as nuisance, vandalism, or disorder.
21. In relation to staffing and duty manager arrangements, the applicant submitted that staffing requirements would develop as part of implementation and that final rostering arrangements would depend upon the licence being granted. Counsel submitted that concerns regarding future staffing requirements were speculative.
22. During the hearing process the applicant clarified and amended aspects of the proposal in response to matters raised by reporting agencies, including proposed trading hours, supplier tastings, delivery arrangements, and aspects of the Alcohol Management Plan.
23. Overall, counsel for the applicant submitted that the application met the object of the Act and that the systems and controls proposed were sufficient to support the safe and responsible sale and supply of alcohol.

Evidence - New Zealand Police

24. New Zealand Police opposed the application and called four witnesses who appeared at the hearing and gave evidence in support of that opposition.

Senior Constable Scott Harvey

25. Senior Constable Scott Harvey gave evidence regarding Police concerns with the application, including matters relating to the Local Alcohol Policy, amenity and good order, and the location of the proposed premises. Mr Harvey referred to the concentration of licensed premises within the locality and expressed concern regarding the cumulative effects associated with introducing an additional off-licence into an area already characterised by high alcohol availability.
26. Police submitted that the location of the proposed premises, including its proximity to community facilities and organisations supporting vulnerable members of the community, was relevant to the Committee's consideration of amenity and good order and the object of the Act.

Toni Patterson – New Zealand Police

27. Toni Patterson gave evidence on behalf of New Zealand Police regarding alcohol-related harm data and indicators relevant to Levin and the wider locality.
28. Ms Patterson referred to information sourced from the National Alcohol Harm Viewer (NAHV), including data relating to alcohol-related offending, family harm incidents, public place harm, and deprivation indicators within the Levin area.
29. Evidence was presented that the locality experiences elevated levels of alcohol-related harm and social vulnerability. Police submitted that the introduction of an additional off-licence had the potential to contribute to cumulative harm within an area already experiencing significant alcohol-related impacts.

Janelle Hing – Whaioro Trust

30. Janelle Hing, representing Whaioro Trust, gave evidence regarding the role of Whaioro Trust as a mental health and addiction service operating directly opposite the proposed premises.
31. Ms Hing expressed concern regarding the impact that an additional alcohol outlet could have on individuals, whānau, and communities already affected by alcohol and other drug harm. Evidence was presented that locating an alcohol outlet directly opposite an addiction support service could undermine harm minimisation principles and create additional challenges for individuals engaged in recovery.
32. Ms Hing also referred to the proximity of nearby community facilities and expressed concern regarding increased exposure to alcohol in an area used by vulnerable members of the community.

Michelle Rogerson – Levin Uniting Church

33. Michelle Rogerson gave evidence on behalf of Levin Uniting Church regarding the Church's role as a place of worship and community support within the locality. Ms Rogerson explained that the Church provides support to a wide range of community members, including guests attending community meals, recently resettled refugee families, children attending programmes, and individuals living with disabilities.
34. Ms Rogerson expressed concern that the introduction of an alcohol outlet directly adjacent to the Church and nearby support services could increase exposure to

alcohol and undermine the safe and supportive environment the Church seeks to provide. She also raised concerns regarding the cumulative impact on vulnerable community members and broader community wellbeing.

Ana Ika – Salvation Army

35. Ana Ika, appearing on behalf of the Salvation Army, gave evidence supporting the Police opposition to the application.
36. Ms Ika described the Salvation Army's work within Levin supporting individuals and whānau experiencing hardship and vulnerability. Evidence was presented regarding the number of families and individuals accessing support services within the local community, including those experiencing housing instability, financial hardship, and alcohol-related issues.
37. Ms Ika expressed concern that increased alcohol availability could contribute to further harm for vulnerable members of the community and increase challenges for those already experiencing hardship or attempting to maintain recovery.
38. Collectively, Police submitted that the evidence supported refusal of the application having regard to the object of the Act, the Local Alcohol Policy, and concerns relating to amenity and good order.

Evidence - Medical Officer of Health

39. Ms Jill Job, Alcohol Compliance Officer for the National Public Health Service, gave evidence on behalf of the Medical Officer of Health in opposition to the application. The Medical Officer of Health opposed the application under sections 4, 105(1)(a), (b), (d), (h), and section 106 of the Sale and Supply of Alcohol Act 2012.
40. Public Health raised concerns regarding the locality of the premises and the concentration of licensed premises within the surrounding area. Evidence was presented that there were a number of existing on-licence, off-licence, and club licences within high deprivation areas, with many situated within close proximity to the proposed premises. Public Health considered this created concerns regarding cumulative alcohol-related harm and increased alcohol availability.
41. Particular concern was raised regarding the proximity of the proposed premises to sensitive sites and vulnerable populations. Evidence identified that the premises were located directly opposite the Whaioro Trust alcohol and drug rehabilitation service, near Levin Uniting Church where Alcoholics Anonymous meetings occur, and close to Levin Adventure Park and childcare facilities. Public Health considered these locations particularly significant given their association with children and individuals vulnerable to alcohol-related harm.
42. Public Health also submitted that the applicant's Amenity and Good Order Impact Assessment contained omissions and inaccuracies, including failing to identify sensitive sites, incorrectly measuring distances, and not adequately considering cumulative effects or local vulnerability factors.
43. Concerns were also raised regarding aspects of the proposed Alcohol Management Plan and operational arrangements, including the proposed 14-hour trading period, reliance on a single duty manager, unclear delivery arrangements, and the applicant's limited experience with alcohol licensing obligations. Public Health

questioned whether the applicant had demonstrated sufficient understanding of the risks and responsibilities associated with operating an off-licence.

44. Public Health further referred to a previous District Licensing Committee decision declining an off-licence application at the neighbouring property at 86 Oxford Street in 2017, noting concerns previously identified regarding proximity to the Adventure Park and effects on amenity and good order.
45. Overall, Public Health submitted that the applicant had not adequately demonstrated an understanding of the local community context, associated vulnerabilities, or the cumulative risks of an additional off-licence at this location and considered the proposal inconsistent with the object of the Act.

Evidence - Alcohol Licensing Inspector

46. Ms Hayley Smith gave evidence on behalf of the Alcohol Licensing Inspector and, acknowledged that the premises met the statutory definition of a grocery store under section 31 of the Act.
47. The Inspector raised concerns regarding the proposed operation of the premises, including staffing arrangements, manager availability, aspects of the Alcohol Management Plan, and the cumulative impact of an additional off-licence within the locality.
48. The Inspector submitted that despite amendments and clarification during the hearing process, concerns remained regarding the appropriateness of granting a further off-licence at this location.

Legal framework

49. The criteria the Committee must use in considering whether to issue this licence are set out in section 105 of the Act. It is also noted that when forming an opinion in respect of effects on amenity and good order, the Committee must also consider section 106.

Section 105 matters

Object of the Act – s105(1)(a)

50. The Committee has considered the object of the Act in reaching its decision on the application, being that the sale, supply and consumption of alcohol should be undertaken safely and responsibly, and that harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
51. The Committee acknowledges the evidence presented by the applicant regarding the proposed operation of the premises, including the systems and controls proposed to manage the sale and supply of alcohol responsibly.
52. The Committee also acknowledges the applicant's willingness during the hearing to clarify and amend aspects of the proposed Alcohol Management Plan in response to concerns raised by the reporting agencies.

53. However, the Committee considers that the object of the Act must be viewed in the wider context of the location of the premises, the surrounding environment, and the cumulative impact of licensed premises within the area.

Suitability – s105(1)(b)

54. The Committee noted concerns raised by the reporting agencies regarding aspects of the application, including operational arrangements and the applicant's recent experience with alcohol licensing matters.
55. The Committee notes the evidence presented regarding Mr Patel's previous experience working within a supermarket environment, including his previous role as a duty manager at New World Karori.
56. The Committee also notes the evidence of the Alcohol Licensing Inspector that Mr Patel demonstrated a strong understanding of the requirements of the Act and the responsibilities associated with the sale and supply of alcohol.
57. The Committee accepts that Mr Patel made attempts to engage with members of the local community and nearby organisations prior to lodging the application. The Committee does not consider that any perceived shortcomings in that engagement are determinative of suitability.
58. The Committee further acknowledges the applicant's compliance history in relation to the operation of the grocery business generally, including the evidence regarding food safety and the operation of the premises to date.
59. While concerns were raised by the reporting agencies regarding aspects of the application and amendments to the Alcohol Management Plan during the hearing process, the Committee accepts that some refinement of operational details through the licensing process is not uncommon.
60. On balance, the Committee is satisfied that the applicant is generally suitable to hold an off-licence.

Any relevant local alcohol policy – s105(1)(c)

61. The Horowhenua Local Alcohol Policy featured prominently during the hearing, particularly in relation to the location of the premises and the concentration of licensed premises within the immediate area.
62. The Committee acknowledges the applicant's submission that the premises meets the definition of a grocery store under section 31 of the Act, and that the application falls within the maximum trading hours in the Horowhenua Local Alcohol Policy.
63. However, the Committee noted that compliance with the technical definition of a grocery store does not remove their obligation to consider the broader intent and objectives of the Local Alcohol Policy.
64. The Committee heard evidence regarding the number and proximity of licensed premises within the immediate area, together with the presence of nearby community organisations and services supporting vulnerable persons.

65. The Committee acknowledges the concerns raised by reporting agencies and community witnesses regarding alcohol availability and the locality surrounding the premises. The Committee was conscious of, and sympathetic to, the evidence presented by those organisations and the important role they play within the community.
66. The Committee considered that the proposed premises differed in character from a stand-alone bottle store. While the DLC did not regard questions of licence density or saturation alone as determinative, it remained concerned regarding the appropriateness of introducing an additional alcohol outlet immediately adjacent to organisations supporting vulnerable persons and the potential impact on amenity and good order.

The days on which and the hours during which the applicant proposes to sell alcohol – s105(1)(d)

67. The Committee noted the proposed hours 7.00am and 9.00pm daily fell within the national maximum trading hours and that allowed by the LAP, however concerns were raised by the reporting agencies regarding the appropriateness of the proposed opening time of 7.00am.
68. During the hearing process, the applicant indicated a willingness to change the opening time to 9.00am. The Committee acknowledges the applicant's constructive approach and willingness to amend their application in response to the concerns raised.
69. The Committee considers that a later commencement time would have been more appropriate in the circumstances. However, given the Committee's findings on other matters, this issue is not determinative of the application.

The design and layout of the premises – s105(1)(e)

70. The Committee is satisfied that the premises is generally well presented and appropriately laid out for the operation proposed.
71. The Committee also noted the evidence of the Alcohol Licensing Inspector that aspects of the proposed systems, including CCTV and lighting, were of a high standard.
72. The Committee did not have significant concerns regarding the physical design or layout of the premises.

Amenity and good order – s105(1)(h) and (i)

73. In considering amenity and good order, the Committee has had regard to section 106 of the Act.
74. The Committee heard evidence regarding the proximity of the premises to community organisations and services, including those supporting vulnerable persons, and considered the concerns raised by the reporting agencies regarding the cumulative effect of licensed premises within the immediate area.

75. The Committee noted that there was limited direct evidence of existing noise, nuisance, vandalism, or disorder associated with the premises itself, however, considered the likely effect of granting an additional off-licence in the area, including the broader impact on amenity and good order.
76. Having regard to section 106, the Committee was not satisfied that introducing an additional off-licence at this location, immediately adjacent to organisations supporting vulnerable populations, would maintain amenity and good order to no more than a minor extent.

Appropriate systems, staff and training – s105(1)(j)

77. The Committee acknowledges the applicant's proposed systems for the responsible sale and supply of alcohol, including CCTV, signage, point-of-sale controls and the Alcohol Management Plan. The Committee accepts that genuine effort was made to establish systems intended to support compliance with the Act.
78. The Committee also considered concerns raised regarding staffing arrangements and the availability of named duty managers to support the proposed hours of operation. The Committee notes that the applicant had applied for a manager's certificate concurrently with the present application and that the only one other named duty manager identified in the application held a manager's certificate that expired in February 2026. In these circumstances, concerns remained regarding the level of certainty around available certified managers cover across the proposed trading hours.
79. While the Committee acknowledges the applicant's intention to recruit additional staff if the licence were granted, limited detail was available regarding how duty manager arrangements would operate in practice across the proposed trading hours. The Committee therefore had concern regarding the practical implementation of the proposed staffing arrangements and whether sufficient operational oversight could be maintained.

Reporting agencies – s105(1)(k)

80. The Committee carefully considered all evidence presented by the reporting agencies, noting the concerns raised and opposing positions of each.
81. While the Committee did not agree with every aspect of the concerns raised, it placed particular weight on the consistency of the concerns raised by the reporting agencies regarding the locality, vulnerable populations, cumulative effects, and amenity and good order considerations associated with introducing an additional off-licence premises at this location. The Committee also recognised concerns regarding staffing capability and the practical implementation of the proposed systems and management arrangements.

Conclusion

82. The Committee acknowledges the effort made by the applicant throughout the hearing process and accepts that the applicant demonstrated a genuine willingness to engage constructively with the concerns raised.

83. The Committee also accepts that the premises meets the statutory definition of a grocery store and that aspects of the proposed operation and systems were of a good standard.

84. The DLC considered that when considering the application as a whole, and having particular regard to the characteristics of the locality, the proximity of organisations supporting vulnerable populations, the evidence presented regarding amenity and good order, and the objectives of the Local Alcohol Policy, the Committee was not satisfied that granting an additional off-licence at this location would be consistent with the object of the Act..

Decision

Having considered all of the evidence before it, including the evidence presented during the hearing, and for the reasons outlined above, the District Licensing Committee, having read the application and the submissions and reports filed by the parties and having taken particular note of the criteria set out in section 105 of the Act, declines the application by Mahul Enterprises Limited for a new Off-Licence in respect of the premises situated at 84 Oxford Street Levin and trading as Super Save Levin.

DATED at LEVIN this 19th day of May 2026



R Brannigan
Commissioner